

MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 1, 2013

SUBJECT: BZA No. 18628 - Request for area variances to accommodate a rear porch addition to an existing row dwelling (Square 3251, Lot 212)

I. OFFICE OF PLANNING RECOMMENDATION

Based on the information presented, the Office of Planning (OP) is **not able to support** the relief request. OP encourages the Applicant to offer additional information regarding how the proposal satisfies the variance test for the following areas of relief:

Area Variance

- § 403.2, maximum lot occupancy (81% proposed, 60% permitted)
- § 404.1, minimum rear yard (1.5' proposed, 18.5' of relief needed)
- § 2001.3(a)(b)(1)&(2), addition to a non-conforming structure¹

II. AREA AND SITE DESCRIPTION

| | |
|-------------------------------------|--|
| Address: | 461 Delafield Place NW |
| Legal Description: | Square 3251, Lot 212 (hereinafter, the "Property") |
| Ward/ANC: | 4/4D |
| Lot Characteristics: | The Property is rectangular in shape and totals 1,611 square feet in size. It borders a 16' wide public alley to the north, 5 th Street NW to the west, and Delafield Place to the south. |
| Zoning: | R-4: row dwellings and flats |
| Existing Development: | The Property is improved with a two-story row dwelling. A deck, which is the subject of this application, already has been constructed at the rear of the Property. |
| Historic District: | N/A |
| Adjacent Properties: | The Property abuts a row dwelling to the east and, across a public alley, the rear yard of a row dwelling. |
| Surrounding Neighborhood Character: | The Square is characterized by 2-story row dwellings. More generally, the neighborhood is comprised of row dwellings and, across 4 th Street NW to the east, garden apartment buildings. The area also is characterized by public schools, Sherman Circle, and Rock Creek Cemetery. |

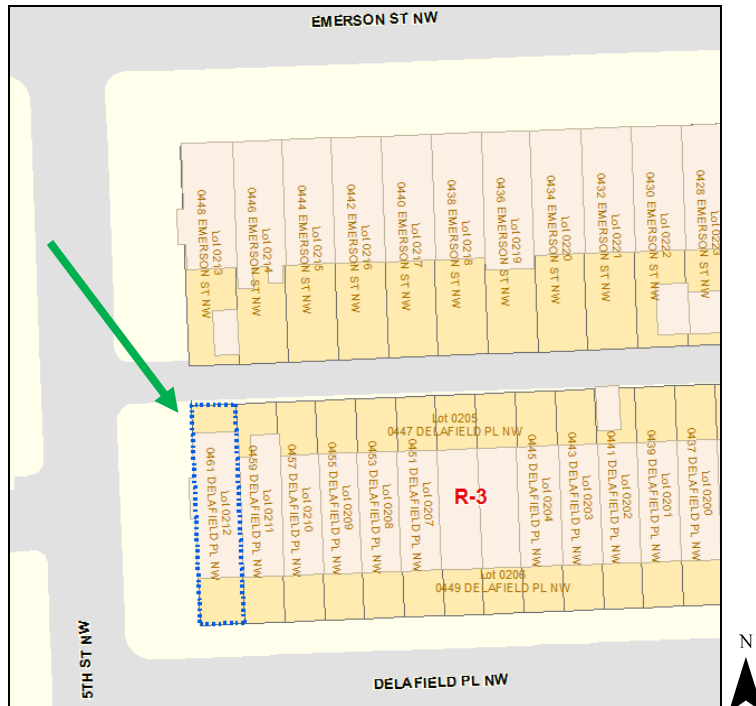
III. PROJECT DESCRIPTION IN BRIEF

| | |
|-------------|---------------|
| Applicants: | William Green |
|-------------|---------------|

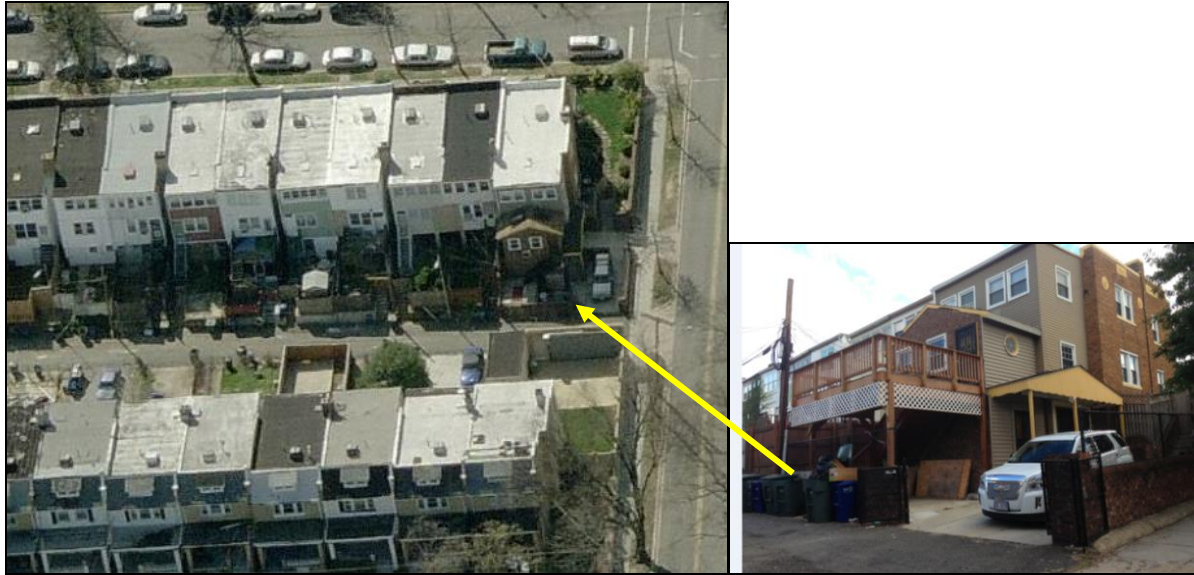
¹ The application was referred by Zoning Administrator memorandum dated June 13, 2013.

| | |
|----------------|---|
| Proposal: | <p>The Applicant proposes to legitimize an already constructed elevated rear deck and to complete a minor roof overhang. The proposed roof extension would cover the top portion of stairs leading from the back of the dwelling to the yard.</p> <p>As background, the Applicant indicates that a postcard permit was issued to replace a poorly constructed rear exterior staircase extending from the second floor to the ground. A review of the DCRA records appears to show a postcard permit was issued in 2012 for “repairs of rear porch and steps in a single family dwelling.” However, it appears that a far larger elevated rear deck was constructed in its place. OP is not aware of many details regarding the scope of authorization for rebuilding the stairs under the permit or where accountability for the deck construction rests. The zoning application, and the required areas for relief, was referred by the Zoning Administrator.</p> <p>The deck is approximately 10' tall and extends about 12' deep and 18' wide. While the deck appears to have been completed, the Applicant also indicates that a proposed 5' deep roof overhang, which would extend over a portion of the deck nearest the dwelling and cover the entry to the stairs leading to the rear yard, has not yet been constructed. The Applicant seems to indicate that some of this space could be partially enclosed. Overall, the deck extends to within 1.5' of the rear property line and increases the Property's lot occupancy from 68% to 81%.</p> <p>Prior to the deck addition, the Property already was non-conforming to lot occupancy and rear yard based on what appears to be a relatively contemporary addition (by a previous owner).</p> |
| Relief Sought: | <p>§ 403.2, maximum lot occupancy (area variance)</p> <p>§ 404.1, minimum rear yard (area variance)</p> <p>§ 2001.3(a)&(b)(1)&(2), addition to a non-conforming structure (area variance)</p> |

IV. IMAGES AND MAPS



Aerial view of the subject site (highlighted in blue and identified with arrow)



View of the rear of the subject Property looking south toward Delafield Place NW (Property identified, above photo was taken prior to the subject deck construction) (Bing Maps)

V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes relevant zoning requirements for the project and the relief requested.

| <i>R-3 Zoning</i> | <i>Restriction</i> | <i>Existing</i> | <i>Proposed</i> | <i>Relief</i> |
|--|---------------------------|--|------------------------|----------------------|
| Lot occupancy (building area/lot area) § 403 | 60% max. | <u>Existing: 81%</u> <ul style="list-style-type: none">• 68% (conditioned dwelling)• 13% (deck) | 81% | Relief needed |
| Rear Yard (ft.) § 404 | 20' min | <u>Existing: 1.5'</u> <ul style="list-style-type: none">• ~14' (conditioned dwelling)• 1.5' (conditioned dwelling + deck) | 1.5' | Relief needed |

VI. RELIEF REQUESTED & OP ANALYSIS

Single family row dwellings and rear decks are permitted in the R-3 district, but are limited to 60% lot occupancy by right and 70% lot occupancy by special exception. The application proposes to cover 81% of the lot and therefore requires lot occupancy relief. Additionally, a minimum 20' rear yard is required, but the proposal would provide only 1.5' and therefore requires relief. Since the existing dwelling already is non-conforming to lot occupancy and rear yard standards, relief from § 2001.3(a)(b)(1)&(2) also is needed.

Area Variance Relief (§§ 403, 404, and 2001.3)

- Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?

OP does not find a specific uniqueness that imposes a practical difficulty which is unnecessarily burdensome to the owner. The Property is rectangular in shape. Although it is non-conforming in width (18') and lot area (1,611 square feet in size) to the zone, its dimensions are the approximate midpoint of the lots in the Square. There is one other identically sized lot (at the eastern end of the subject block), 25 lots that are slightly larger (20' width and 1,790 square feet in size) and 29 lots that are slightly smaller (16' width and 1,432 square feet in size). The Property appears to slope downward about 6' from the middle of the site to its rear property line, although it is not clear that the topography is particularly unusual in this area. The Property already is developed with a single family home that has previously been expanded to cover an excessive amount of the lot and rear yard. It also appears that a sizable amount of public space to the west of the site has over time been effectively appropriated for private use.

The Property features do not create a practical difficulty to the owner as it relates to a 12' deep by 18' wide elevated deck. Based on discussions with the Applicant, it appears that what began as a permitted replacement of the rear staircase morphed into a now existing larger deck. OP encourages the Applicant to work with the DCRA to find a more limited strategy to access the rear yard (as a replacement for the former stairway) and to shield the stairway from the weather.

- **Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

OP does not anticipate any detriment to the public good. Other decks and garages presently exist in the subject alley. However, the relief cannot be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map. The proposal introduces an excessive amount of development intensity for the zone.

VII. ANC/COMMUNITY COMMENTS

To date, OP has not received any submissions from ANC 4D or neighbors of the site.